

SENATE No. 974

The Commonwealth of Massachusetts

PRESENTED BY:

O'Leary, Robert (SEN)

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act relative to kayaks.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
O'Leary, Robert (SEN)	Cape and Islands
Cleon H. Turner	1st Barnstable

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. S01410 OF 2007-2008.]

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT RELATIVE TO KAYAKS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 90B of the General Laws, as appearing in the 2006 official edition, is
2 hereby amended by inserting after section 5B the following new section:-

3 Section 5C. Every person aboard a kayak, as defined in section 13B, shall wear at all times a coast guard
4 approved personal floatation device of type I, II or III, in good and serviceable condition.

5 SECTION 2. Section 11 of said chapter 90B, as so appearing, is hereby amended by inserting,
6 after clause (o), the following clause:-

7 (p) Prescribe safety equipment required to be aboard any kayak, as defined in section 13B, however no
8 such rule or regulation may exempt kayakers from the requirement to wear a personal flotation device as
9 required by section 5C .

10 SECTION 3. Said chapter 90B, as so appearing, is hereby further amended by inserting after
11 section 13A the following new section:—

12 Section 13B. (A) As used in this chapter, “kayak” means a lightweight boat that: (i) is covered, except
13 for a single or double opening in the center thereof; and (ii) is propelled by a double bladed paddle.

(B) Anyone who holds himself out as a kayak instructor for hire shall obtain and maintain: (i) first aid training approved by the department of public health; (ii) cardiopulmonary resuscitation training approved by the department of public health; and (iii) kayak instructor certification from the American Canoe Association, American Red Cross certification in small craft safety and basic water rescue, or equivalent water training.

Any course of kayak instruction shall include, but not be limited to; (i) the safety procedures appropriate to the level of kayak paddling difficulty; and (ii) wet exit training, which training shall be conducted prior to a student operating a kayak unsupervised or in water deeper than 5 feet. Wet exit training shall consist of practice escaping from a kayak while submerged in a controlled water setting. Wet exit training shall not be required by this section if the kayak to be utilized by the student during the training is a sealed-hull, sit-on-top or open-decked kayak in which no part of the kayaker's body is covered or enclosed within the cockpit, or center opening of the kayak.

A liability release that limits an instructor's responsibility to comply with this section shall be void."